In the High Court of Uttaranchal at Nainital.

(Stay Application No. 10409/2006)
in
Criminal Writ Petition No. 1004/2006(M/B)

Nirmal Singh S/o Sardar Kundan Singh,
R/o House No. 453, Ram Basti Dhuri Road
P.S. Kotwali, Sangroor, Punjab,
Presedntly posted as S.I.- 1st India Reserve Battalion Patiyala
Punjab ... Petitioner.

Versus

1- State of Uttaranchal through S.S.P. Dehradun.
2- S.H.O. P.S. Kotwali,
District Dehradun
3- Constable Hardayal Singh
S/o Jamil Singh, Purani Police Line,
Kutcheri Road, Dehradun ... Respondents.

Sri Arvind Vashist, learned counsel for the petitioner.
Sri D.K. Sharma, learned G.A. for the State.

Hon'ble B.C. Kandpal, J.

Hon'ble Prafulla C. Pant, J.

By way of this petition the petitioner has sought the following reliefs:-

(a) To issue a writ, order or direction in the nature of certiorari quashing the F.I.R. dated 12-6-2006 lodged by respondent No. 3 at P.S. Kotwali Nagar, Dehradun in Case Crime No. 192/2006, U/Ss 147, 332, 353, 506 and 307 I.P.C.

(b) To issue a writ, order or direction in the nature of mandamus commanding the respondent No.2 not to arrest and harass the petitioner in the aforesaid case crime.

2- Heard Sri Arvind Vashist, learned counsel for the petitioner, learned G.A. and perused the record.

3- After having considered the arguments advanced by the learned counsel for the parties and after perusal of the material available before us, we are of the opinion that the indulgence of the court is not required in the matter under Article 226 of the Constitution of India, for grant of any of the reliefs sought by the petitioner at this stage.

4- The writ petition lacks merit and is dismissed in limine.

5- However, in case the petitioner surrenders or is arrested, his bail application shall be disposed of by the court concerned without any unreasonable delay. It is also made clear that the court concerned while disposing of the bail application of the petitioner shall also consider this aspect as to whether prima facie offence U/S 307 I.P.C. is made out or not.

6- With the above observation, the stay application also stands rejected.

(P.C. Pant, J.) **(B.C. Kandpal,J.)**

Dated: 18-08-2006

ISB